

## District Judge Daybook Entry

United States District Court - Southern District of West Virginia at Beckley

Date: 12/4/2013

Case Number 5:13-cr-00252

Case Style: USA vs. Cayla Lindsay

Type of hearing Plea Hearing

Before the honorable: 2516-Berger

Court Reporter Lisa Cook

Courtroom Deputy Kierstin Tudor

Attorney(s) for the Plaintiff or Government Miller Bushong

Attorney(s) for the Defendant(s) Lex Coleman

Law Clerk Carter George

Probation Officer Jeff Gwinn

Trial Time

Non-Trial Time

Plea Hearing

Court Time

10:59 am to 11:36 am

Total Court Time: 0 Hours 37 Minutes Non-Trial Time/Uncontested Time

Courtroom Notes

Scheduled Start 11:00 a.m.

Actual Start 10:59 a.m.

Defendant present in person and by counsel.

Counsel note appearances on the record.

Defendant placed under oath.

Court FINDS Defendant competent to go forward.

Mr. Bushong summarizes plea agreement.

Court DEFERS acceptance of plea agreement but ORDERS original plea agreement filed.

Defendant waives reading of Indictment.

Defendant pleads guilty to Count Three.

Court reads statute with which Defendant is charged.

Defendant advised of elements of offense which Government would have to prove at trial.

Defendant gives her account of the offense.

Government provides a proffer re: factual basis for the plea.

Defendant advised of the penalties which may apply based upon the plea.

Defendant advised of right to plead not guilty, to remain silent, and to stand trial.

Defendant executes written guilty plea form; same ORDERED filed.

Court FINDS Defendant is competent and capable of entering an informed plea.

Court FINDS sufficient factual basis for Defendant's plea.

Court FINDS that Defendant understands the consequences of the plea.

Court FINDS that Defendant understands the rights being given up.

Court FINDS Defendant's plea to be voluntary.

Court ACCEPTS plea.

Court ADJUDGES Defendant guilty.

Sentencing SCHEDULED for March 13, 2014, at 1:30 p.m.

Defendant RELEASED pending sentencing.

Court recessed at 11:36 a.m.

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